GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

PUBLIC SERVANTS – Transport Department – Allegation of acquisition of disproportionate assets to the known sources of Income against Sri M. Kishan, M.V.I. formerly in Fitness Testing Station, Tirumalgherry, Secunderabad – Punishment of dismissal from service – Imposed – Criminal Appeal No.989/2005 filed before the Hon'ble Supreme Court of India – Allowed – Dismissal Orders Rescinded – ORDERS – ISSUED.

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TRANSPORT, ROADS AND BUILDINGS (VIG.III/2) DEPARTMENT

G.O.Ms.No. 99 Date:17-10-2012.

Read the following:-

1) G.O.Ms.No.85, T, R&B (Tr.I) Department, Dt: 18.7.2001.
2) Orders of the Hon'ble Addl. Spl. Judge for SPE & ACB Cases in C.C.No. 10/96, Dated: 16.10.2001.
3) G.O.Ms.No. 5, T, R&B (Transport-I) Dept, Dated: 18.1.2002.
4) Orders of the Hon'ble High Court of A.P. in Crl.A.No.1671/01, Dated: 28.1.2005.
5) Orders of the Hon'ble Supreme Court of India in Criminal Appeal No. 989/2005 Dated: 27.10.2010.
6) Representation of Sri M. Kishan, MVI (Retired), Dt:22.11.2010, 18.7.2011 and 22.12.2011.

ORDER:

In the G.O. 1st read above on the allegation of possession of assets disproportionate to the known sources of income, sanction was accorded for prosecution in a Court of Law against Sri M.Kishan, MVI formerly Fitness Testing Station, Tirumalgherry, Secunderabad.

2. The Hon'ble Additional Special Judge for SPE & ACB cases in the Judgement 2nd read above, convicted the Accused Officer and sentenced to undergo Rigorous Imprisonment for three years and to pay a fine of Rs.20,000/- and in default of payment of fine amount of undergo Rigorous Imprisonment for six months.

3. Aggrieved by the above orders, Sri M.Kishan, MVI filed Criminal Appeal No. 1671/2001 before the Hon'ble High Court of Andhra Pradesh and while the Criminal Appeal is pending, the punishment of dismissal from service was imposed against Sri M. Kishan vide G.O. 3rd read above.

4. In the meanwhile, the Hon'ble High Court of Andhra Pradesh in its Judgement 4th read above, allowed the appeal filed by Sri M. Kishan, MVI in part by confirming the conviction given by the lower court and reduced and modified the sentence of Rigorous Imprisonment of three years to Rigorous Imprisonment for one year keeping the sentence of fine and default statement unaltered.

5. Against the said orders of the Hon'ble High Court of Andhra Pradesh, Sri M. Kishan, MVI filed Criminal Appeal No.989/2005 before the Hon'ble Supreme Court of India.

6. The Hon'ble Supreme Court of India in their Judgement, 5th read above opined that the appellant is entitled to the benefit of doubt and granted the same to the appellant and accordingly allowed the appeal filed by the appellant and set aside the orders of the Hon'ble High Court of Andhra Pradesh in Criminal Appeal No.1671/2001, Dated: 28.1.2005.

P.T.O

7. Sri M.Kishan, M.V.I. in his representations 6th read above has stated that he attained the age of superannuation on 30.6.2003 A.N; that consequent on his acquittal by the Supreme Court of India, the orders of dismissal, Dated: 18.1.2002 become nonest and thus he entitled to the following reliefs:-

a) to set aside the orders of dismissal, Dated: 18.01.2002 and allow payment of salary from 20.12.2001 to 30.06.2003 A.N. and treat him to have retired from service on the A.N. of 30.06.2003 on attaining the age of superannuation;

b) to pay the duty pay and allowances treating the period from 20.12.2001 to 30.06.2003 as on duty for all purposes including payment of duty pay and allowances, promotion etc.and counting the period as qualifying service for pension and pensionary benefits;

c) that he is entitled for full pension, gratuity and other retirement benefits from 01.07.2003 onwards allowing him to retire from service on the Afternoon of 30.06.2003 in the usual course, together with any other benefits that may be due to him and requested to pass orders early.

8. Government after careful examination of the issue and in view of the orders of the Hon'ble Supreme Court of India in the reference 5th read above have decided to rescind the orders issued in the G.O. 3rd read above and also treat the period of service from the date of dismissal to the date of his retirement i.e., from 18.01.2002 to 30.06.2003 be counted as period of service without any break and without any back wages and also to pay the back wages for the period from the date of acquittal by the Hon'ble Supreme Court of India, in the reference 5th read above.

9. Accordingly, Government hereby rescind the orders issued in the G.O. 3rd read above i.e., wherein the punishment of dismissal was imposed against Sri M. Kishan, MVI (Retired) and also treat/count the period of service from the date of dismissal to the date of his retirement i.e., from 18.01.2002 to 30.06.2003 as period of service without any break and without any back wages and also to pay the back wages for the period from the date of acquittal by the Hon'ble Supreme Court of India, in the reference 5th read above.

10. The Transport Commissioner, Hyderabad shall take further action, in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

D.LAKSHMI PARTHASARATHY
PRINCIPAL SECRETARY TO GOVERNMENT

To
Sri M.Kishan, MVI formerly in Fitness Testing Station, Tirmalgherry, Secunderbad and now Retired. through: The Transport Commissioner, A.P. Hyd.
The Transport Commissioner, A.P., Hyderabad.
Copy to the Director General, ACB, Hyderabad.
Copy to the Andhra Pradesh Viglance Commission, Hyderabad.
Copy to the Pay & Accounts Officer, A.P. Hyderabad.
Copy to the Accountant General, A.P. Hyderabad.
SF/SC

//FORWARDED:: BY ORDER//

SECTION OFFICER